

RULES OF THE LEGISLATIVE ETHICS COMMITTEE

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PART A. – GENERAL PROVISIONS.

1. All proceedings of the Legislative Ethics Committee (hereinafter referred to as the "Committee") shall be governed by Article 5A, *Committee Activity*, and Article 14, *Legislative Ethics Act*, of General Statutes Chapter 120; Chapter 138A of the General Statutes; or other applicable law. All other matters, not otherwise governed above, shall be subject to the procedures set forth in these Rules.
2. These rules contemplate that the Committee cochair will act together. If the cochair is unable to act together, a single cochair may act upon at least seven affirmative votes of the members of the Committee.

PART B. - OUTLINE OF PROCEDURE FOR RENDERING ADVISORY OPINIONS.

1. **Request for an advisory opinion.** – A legislator may request a recommended formal advisory opinion from the State Ethics Commission or a formal advisory opinion from the Legislative Ethics Committee. Requests for advisory opinions may be withdrawn by the requestor at any time prior to the issuance of an advisory opinion. (G.S. 120-104(a),(h); G.S. 138A-13(b),(g)).
2. **Encourage legislators to request recommended advisory opinions from the State Ethics Commission.** – It shall be the policy of the Committee to encourage legislators to request a recommended formal advisory opinion from the State Ethics Commission. Upon

receipt of a request for an advisory opinion from the Committee, the staff of the Committee shall encourage legislators to direct their request to the State Ethics Commission.

3. **Requests to be written.** – The request to the State Ethics Commission shall be in accordance with G.S. 138A-13 and the rules of the State Ethics Commission. A request to the Committee for a formal advisory opinion shall be in writing, electronic or otherwise, and relate prospectively to real or reasonably anticipated fact settings or circumstances. The request shall recite, with particularity, the ethical situation which presents itself to the legislator and the legislator's question. The Committee shall issue advisory opinions having prospective application only. (G.S. 120-104, G.S. 138A-13(b)).
4. **Requests to be delivered to the Committee cochair.** – All requests for formal advisory opinions made directly to the Committee shall be delivered by staff to the cochair of the Committee. Staff to the Committee may assign each advisory opinion request a unique identifying number in the format of "AO-LEC-(Year by Last Two Digits)-(Sequential Number of Advisory Opinion Request in That Year in Three Digits)." Identification of the advisory opinion request only by the unique identifying number is not considered to be part of the request or opinion for confidentiality purposes.
5. **Creation of Advisory Opinion Subcommittee.** – An Advisory Opinion Subcommittee of the Committee is created and may consider advisory opinions of the Committee and recommended formal advisory opinions of the State Ethics Commission. Each Committee cochair shall appoint to the Advisory Opinion Subcommittee three Committee members from that Committee cochair's respective chamber. Each cochair shall appoint at least one member of the minority party of his or her respective chamber to membership on the Advisory Opinion Subcommittee. The Committee cochairs may appoint one or more chairs of the Advisory Opinion Subcommittee. One of the Committee cochairs may serve as chair of the Advisory Opinion Subcommittee. The term of an appointment of a member to the Subcommittee, except for resignation from the Subcommittee, shall be the same as the legislator's membership on the Committee. Members of the Subcommittee serve at the pleasure of the appointing cochair. A quorum of the Subcommittee shall be four members.

6. Initial review of advisory opinion originating in the Legislative Ethics Committee.

- (a)** The Committee cochaIRS shall refer all requests for formal advisory opinions originating in the Committee to the Committee's Advisory Opinion Subcommittee, unless the Committee cochaIRS determine that the request should be considered by the Committee and schedule a meeting of the Committee to consider the request. Either cochair of the Committee may refer an advisory opinion to the Committee for consideration at any time.
- (b)** The Subcommittee shall meet in closed session and prepare a proposed formal advisory opinion for the Committee to consider. A proposed formal advisory opinion shall be based on the facts and situation presented by the requesting legislator and shall be sent to the Committee when approved by a majority of the members of the Subcommittee present and voting. If the Subcommittee is unable to recommend a proposed opinion, the Subcommittee cochaIRS shall so notify the Committee cochaIRS in writing.
- (c)** The Committee shall meet in closed session, and a formal advisory opinion is adopted by the Committee when approved by a majority of members present and voting. When the formal advisory opinion is adopted, the Committee, through its cochaIRS, shall send a copy of the opinion to the legislator who requested the opinion and the State Ethics Commission. A formal advisory opinion adopted by the Committee shall be based on the facts and situation presented by the requesting legislator.

7. Committee review of recommended formal advisory opinions of the State Ethics Commission.

- (a) Receipt of recommended formal advisory opinions.** - The Committee shall receive and review recommended formal advisory opinions issued to legislators, except the Lieutenant Governor, by the State Ethics Commission under G.S. 138A-13. The Committee will identify recommended formal advisory opinions received from the State Ethics Commission by the number assigned to the advisory opinion

by the State Ethics Commission. Identification of the advisory opinion request, the recommended formal advisory opinion, or the formal advisory opinion by the unique identifying number is not considered to be part of the request or opinion for confidentiality purposes. The Committee may approve, modify, or overrule the recommended formal advisory opinion issued to legislators by the State Ethics Commission. As to legislators, the Committee's final action on the opinion shall control. (G.S. 120-104(b)).

- (b) Referral to Advisory Opinion Subcommittee.** - All recommended formal advisory opinions from the State Ethics Commission shall be automatically referred to the Advisory Opinion Subcommittee, but notwithstanding this rule, either cochair of the Committee may refer a recommended formal advisory opinion to the Committee for consideration at any time.
- (c) Notice of Advisory Opinion Subcommittee meeting.** - When the Advisory Opinion Subcommittee is scheduled to meet and consider a recommended formal advisory opinion from the State Ethics Commission, the staff to the Committee shall notify the legislator who requested the opinion and the Director of the State Ethics Commission or the Director's designee. The notice shall include the date, time, and location of the meeting and invite the legislator and Director of the State Ethics Commission or the Director's designee to attend.
- (d) Opportunity to be heard.** - The legislator who requested the advisory opinion from the State Ethics Commission may address the Advisory Opinion Subcommittee regarding the recommended formal advisory opinion issued by the State Ethics Commission. The Director of the State Ethics Commission or the Director's designee may address the Advisory Opinion Subcommittee. Members of the Advisory Opinion Subcommittee may ask questions of the legislator who requested the advisory opinion, the Director of the State Ethics Commission, or the Director's designee.

- (e) **Deliberations-** The legislator who requested the advisory opinion and the Director of the State Ethics Commission or the Director's designee shall not be present during the Subcommittee's and the Committee's deliberations.
- (f) **Proposed Opinion-**
- (1) The Subcommittee shall meet in closed session and prepare a proposed formal opinion for the Committee to consider. A proposed opinion shall be based on the facts and situation presented by the requesting legislator and shall be sent to the Committee when approved by a majority of the members of the Subcommittee present and voting.
 - (2) The Committee shall meet in closed session. The Committee may approve a recommended formal advisory opinion originating in the State Ethics Commission by a majority of members present and voting. The Committee may modify or overrule a recommended formal advisory opinion originating at the State Ethics Commission by a majority of at least 7 votes.
 - (3) When the recommended formal advisory opinion is approved, modified, or overruled, the Committee, through its cochair, shall use a traceable method of delivery and send a copy of the formal advisory opinion to the legislator who requested the opinion and the State Ethics Commission. A formal advisory opinion adopted by the Committee shall be based on the facts and situation presented by the requesting legislator.
- (g) **Reference of ethics inquiry to Committee.** – If the Subcommittee finds that the issue upon which the advisory opinion requested is of such importance that the issue should be addressed immediately by the Committee, as a whole, or if the Subcommittee is unable to render an opinion, the Subcommittee cochair shall so notify the Committee cochair in writing.

8. **Legislator's reliance on advisory opinion.** – A legislator who acts in reliance on a formal advisory opinion issued by the Committee shall be entitled to the immunity granted under G.S. 138A-13(b1). A legislator's action or inaction in reliance on an effective formal advisory opinion is protected under this rule only as long as and to the extent that the opinion is not modified or rejected.
9. **Confidentiality.** – The request for an advisory opinion and all materials submitted to or obtained in connection with the request for an advisory opinion are confidential and not matters of public record and shall not be released by the Committee or Subcommittee, their members, or staff. All correspondence relating to and meetings of the Committee or Subcommittee on Advisory Opinions are confidential and shall not be released by the Committee or Subcommittee, their members or staff. All meetings of the Subcommittee and the Committee deliberating and voting on advisory opinions shall be held in closed session. (G.S.120-104(g)).
10. **Publication of edited opinions.** – The cochair shall submit the Committee's formal advisory opinions to the State Ethics Commission for publication under G.S. 138A -13(d). The cochair of the Committee shall approve redacted advisory opinions prepared by staff of the Committee for publication purposes prior to submission to the State Ethics Commission. The Committee may distribute the redacted formal advisory opinion to members of the General Assembly prior to publication by the State Ethics Commission.
11. **Informal, nonbinding advisory opinions of staff of the Legislative Ethics Committee.**
– Consistent with G.S. 120-104(d), the staff to the Committee may issue informal, nonbinding advisory opinions only in a narrow set of circumstances as set forth in these rules. The staff of the Committee is limited to the following:
- (a) Encourage legislators to direct ethics inquiries, including requests for formal or informal advisory opinions, to the State Ethics Commission. Staff to the Committee may assist legislators in framing questions to be sent to the State Ethics Commission.

- (b) In exigent circumstances in which a legislator requires an immediate response, direct the legislator to a statute, a website, a published advisory opinion issued by the Committee or the State Ethics Commission, or a published principle or guideline issued by the Committee that addresses the legislator's question. However, staff to the Committee is not required to give a legislator an informal, nonbinding advisory opinion when the answer to the question is not readily available, the issue is one of first impression, or the question would more appropriately be handled by the State Ethics Commission.

PART C. - OUTLINE OF PROCEDURE FOR INVESTIGATIONS OF COMPLAINTS ALLEGING UNETHICAL ACTIVITY.

1. Complaint. –

- (a) Upon the Committee's own motion, upon receipt by the Committee of a signed and sworn allegation of unethical conduct by a legislator, or upon receipt of a referral of a complaint from the State Ethics Commission, the Committee shall conduct an investigation into any of the following:
- (1) The application or alleged violation of Chapter 138A of the General Statutes, The State Government Ethics Act. (G.S. 120-103.1(a)(1))
 - (2) The application or alleged violation of Article 14 of Chapter 120 of the General Statutes, The Legislative Ethics Act. (G.S. 120-103.1(a)(1))
 - (3) The alleged violation of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process (G.S. 120-103.1(a)(3)).
- (b) The complaint shall comply with the requirements of G.S. 138A-12(e)(1) and (2). Additionally, for complaints filed directly with the Committee, all of the following applies:
- (1) A complaint against a current legislator may include a single allegation or multiple allegations against that legislator,
 - (2) If the complaint involves multiple current legislators, the Committee may require the complainant to file separate complaints against each legislator.
 - (3) The Committee may decline to accept any complaint that does not comply with this subsection.

- (c) The Committee may request additional information to be provided by the complainant within a specified period of time of no less than seven business days. Within a reasonable period of time, the cochair may inform the accused legislator that additional information has been requested of the complainant and may share the request and the response with the accused legislator.
- (d) The Committee will identify complaints received upon referral from the State Ethics Commission by the number assigned to the complaint by the State Ethics Commission. For complaints filed directly with the Committee, complaints considered by the Committee upon its own motion, or complaints alleging misconduct committed prior to January 1, 2007, staff to the Committee may assign each complaint a unique identifying number in the format of "C-LEC-(Year by Last Two Digits)-(Sequential Number of Complaint in That Year in Three Digits)." Identification of the complaint only by the unique identifying number is not considered to be part of the complaint for confidentiality purposes.
- (e) Upon receipt by the Committee of a complaint or the referral of a complaint, or upon the initiation by the Committee of an inquiry upon its own motion, the Committee will immediately provide written notice to the legislator who is the subject of the complaint or inquiry.

2. Preliminary meeting on complaint. —

- (a) Upon its own motion, upon receipt of a signed and sworn allegation of unethical conduct by a legislator, or upon receipt of a referral of a complaint from the State Ethics Commission under Chapter 138A of the General Statutes, the Committee cochair shall call a meeting of the Committee as soon as practicable to consider whether or not the Committee will accept or further investigate a complaint.
- (b) In any portion of the meeting open to the public, the Committee, by majority vote of the members of the Committee present and voting, may order the meeting into closed session in order for the Committee to discuss the complaint. (G.S. 143-318.18(4a) and G.S. 120-103.1(l)).
- (c) On a complaint referred by the State Ethics Commission, the Committee shall do at least one of the following:
 - (1) Conduct further investigations and hearings under these rules.
 - (2) Make recommendations without further investigation to the house of which the legislator who is the subject of the complaint is a member.
 - (3) Dismiss the complaint.
- (d) The Committee may initiate a complaint upon the Committee's own motion upon at least seven affirmative votes of the members of the Committee.

3. Investigation authorization. —

- (a) For complaints referred by the State Ethics Commission, after going into closed session in accordance with Rule C.2.(b), the Committee shall review the complaint

and receive from the complainant any additional information in support of the request for an investigation. After reviewing the complaint and the basis for the request, the Committee shall proceed to act in accordance with the decision of the State Ethics Commission unless at least seven members of the Committee vote to reverse the State Ethics Commission's decision.

- (a1)** Upon receipt of a notice of dismissal of a complaint from the State Ethics Commission, copies of the dismissal shall be given to all members of the Committee. Complaints dismissed by the State Ethics Commission are not considered by the Committee except upon the request of a member of the Committee. Once a dismissal is scheduled to be heard, staff to the Committee shall provide an analysis of the dismissal.
- (b)** The Committee may decline to accept or further investigate any complaint if it determines that any of the following apply:

 - (1)** The complaint is frivolous or brought in bad faith.
 - (2)** The individuals and conduct complained of have already been the subject of a prior complaint.
 - (3)** The conduct complained of is primarily a matter more appropriately and adequately addressed and handled by other federal, State, or local agencies or authorities, including law enforcement agencies. If other agencies or authorities are conducting an investigation of the same actions or conduct involved in a complaint filed with the Committee, the Committee may stay its investigation pending final resolution of the other investigation. (G.S. 120-103.1(b))

4. Investigation. —

- (a)** The Committee shall consider all complaints properly before the Committee in a timely manner. If the Committee receives a complaint or a referral of a complaint while the General Assembly is in Regular Session, the Committee shall proceed under this subsection within 10 business days of receiving the complaint or the referral. If the Committee receives a complaint or a referral of a complaint at any other time, the Committee shall proceed under this subsection within 20 business days of receiving the complaint or the referral. Within the applicable time period, the Committee shall do one of the following:

 - (1)** Initiate a preliminary investigation into the complaint.
 - (2)** Refer the complaint for hearing in accordance with these rules.
 - (3)** Dismiss the complaint.
 - (4)** Make recommendations to the house in which the subject legislator is a member without further investigation, if either of the following applies:

- a. The referral is from the State Ethics Commission.
 - b. The referral alleges conduct that may be unethical but the Committee determines it does not have jurisdiction under Rule C.1.(a).
- (b)** Once the Committee has decided to initiate an investigation of a complaint, the cochaIRS shall be responsible for the preliminary investigation of alleged unethical conduct.
- (c)** The cochaIRS shall send by use of a traceable method of delivery a notice of the initiation of a preliminary investigation of a complaint to the legislator who is the subject of the complaint within 10 days of the date of the decision to initiate the investigation. The accused legislator may, but is not required to, file a response to the complaint which shall be considered by the Committee.
- (d)** Complaints considered by the Committee concerning the conduct of the Lieutenant Governor shall be referred to the State Ethics Commission without investigation by the Committee.
- (e)** In determining whether there is sufficient reason to believe that a violation has or may have occurred, a member of the Committee may take general notice of available information even if not formally provided to the Committee in the form of a complaint, and the member is encouraged to share this information with other members of the Committee at a meeting of the Committee.
- (f)** The cochaIRS may do any of the following:
 - (1)** Ask the Attorney General to direct the State Bureau of Investigation to conduct the preliminary investigation.
 - (2)** Request that the Legislative Services Officer facilitate the hiring of an investigator to conduct the preliminary investigation. The Legislative Services Officer shall forward the request to employ a hired investigator to the cochaIRS of the Legislative Services Commission for approval of the request and the allocation of funds for that purpose. If requested by the cochaIRS, the Legislative Services Officer shall furnish the cochaIRS with a list of at least three qualified investigators from whom the cochaIRS may select an investigator or investigators. The Legislative Services Officer shall employ as the hired investigator the person or persons whom the Committee cochaIRS select. (G.S. 120-103.1(c))
 - (3)** The cochaIRS shall request that the Legislative Services Officer facilitate the hiring of outside legal counsel at such time as the cochaIRS determine the assistance of outside counsel is necessary. Outside counsel services shall be used for the coordination of the investigation of alleged

unethical conduct, preparation of proposed charges of alleged unethical conduct, and for presentment of evidence at hearings. The Legislative Services Officer shall forward the request to employ outside counsel to the cochair of the Legislative Services Commission for approval of the request and of the allocation of funds for that purpose. The cochair shall request approval to hire outside legal counsel on retainer to provide services to the Committee on multiple complaints on an ongoing basis, unless the cochair determines the need to request approval to hire outside legal counsel be on a single-complaint basis. The Legislative Services Officer shall be requested to give the cochair a list of at least three qualified attorneys willing to serve as outside counsel from whom the cochair may select outside counsel. The Legislative Services Officer shall employ as the Committee's outside counsel the individual whom the cochair selects. If both cochairs are of the same political party, the cochairs will first consult with the member of the Committee of the other party with the most legislative seniority concerning the cochair's selection for outside counsel before directing the Legislative Services Officers to employ the person. (G.S. 120-102(a)(9))

- (g)** The person or persons directed to conduct the investigation shall:
- (1)** Present to the Committee, at the direction of the cochair, all information relevant to the Committee's investigation.
 - (2)** Research, as directed by the cochair, allegations relevant to the alleged unethical conduct.
 - (3)** Interview potential witnesses having information relevant to the inquiry.
 - (4)** Obtain sworn statements from persons willing to give them.
 - (5)** Prepare the presentation of information and the investigative findings to the Committee.
 - (6)** Present to the Committee a list of recommended witnesses to be called.
 - (7)** Make available, as authorized by the cochair, to the accused legislator or the legislator's private legal counsel, documents or other evidence to be presented to the Committee and any documents or other evidence which a reasonable person would believe might exculpate the accused legislator.
 - (8)** Carry out other duties as directed by the cochair.
- (h)** The Committee shall conclude the preliminary investigation within 20 business days of the date of the decision to initiate the investigation, but may extend the amount of

time if the Committee determines it does not have sufficient information to proceed under Rule C.5.(b) or (c). (G.S. 120-103.1(c1))

5. Presentment of preliminary investigation findings -

- (a)** The cochairs shall arrange for the presentation to the Committee of the findings of the preliminary investigation and recommendations of specific charges of alleged unethical conduct, if warranted.
- (b)** If the Committee determines at the end of its preliminary inquiry by majority vote of the Committee members present and voting that the complaint does not allege facts sufficient to constitute a violation of matters over which the Committee has jurisdiction, the Committee shall dismiss the complaint and provide written notice of the dismissal to the individual who filed the complaint and the legislator against whom the complaint was filed.
- (c)** If at the end of its preliminary inquiry, the Committee determines by at least seven affirmative votes that probable cause exists to proceed with further investigation into the conduct of an accused legislator by hearing, the Committee by at least seven affirmative votes shall specify the charges of unethical conduct to be considered against the accused legislator.

6. Notification of charges and scheduling of hearings. -- The cochairs shall notify the accused legislator and the complainant of the charges against the legislator and of the hearing on the charges. The cochairs shall schedule a hearing on the matter as soon as is reasonable. The notice shall contain the time and place for a hearing on the matter, which shall be no less than 15 days, unless waived by the accused legislator, and no more than 90 days, after the date of the notice. The notice shall also inform the accused legislator of the legislator's right to respond to the Committee in writing to the charges against the accused legislator within a period of time specified by the Committee. The Committee may issue a private admonishment without holding a hearing, subject to the requirements of Rule C.17.

7. Rights of accused legislator. -- The legislator against whom the charges are brought has the right to respond in writing to the charges within a period of time specified by the Committee, and to be present, present evidence, call and examine witnesses, cross-examine witnesses, introduce exhibits and be represented by private legal counsel paid for by the accused legislator at any hearing. The accused legislator, or the legislator's private legal counsel, shall have the right to inspect and copy all documents or other evidence which are intended to be presented to the Committee at the hearing by the Committee's legal counsel or which a reasonable person would believe might exculpate the accused legislator. All documents and other evidence to be provided to the accused legislator under this rule shall be furnished at least 10 days prior to the date of the hearing, except

documents or other evidence discovered within 15 days of the hearing shall be furnished as soon as possible after discovery but prior to the hearing.

8. **Rights of the complainant.** -- In addition to the right to notice as otherwise provided by the rules, the complainant shall have a right to attend any hearing of the Committee held under Rule C.13. with regards to the complainant's complaint, but shall not be entitled to attend the Committee's deliberations on the complaint.
- 8.1. **Motions.** -- The accused legislator, the accused legislator's legal counsel, and counsel for the Committee may submit motions to the Committee for consideration, including prehearing motions, by submitting the motions to the presiding co-chair of the Committee. The presiding co-chair will render a ruling on any motion and inform the accused legislator, the accused legislator's legal counsel, counsel for the Committee and members of the Committee of the ruling as soon as reasonable. All prehearing motions and rulings shall be read into the record at the next meeting of the Committee after the motions and rulings are made. Motions and rulings made during a meeting of the Committee shall be read into the record when made. The ruling of the presiding co-chair on any motion shall be sustained unless overruled by a majority vote of the Committee members present and voting.
9. **Subpoenas.** -- The forms for subpoenas and subpoenas *duces tecum* approved on November 2, 1973 by the Legislative Services Commission shall be the forms utilized by the Committee. The Committee may issue subpoenas to compel the attendance of witnesses or the production of documents, books or other records, as permitted by Article 5A of Chapter 120 of the General Statutes. The accused legislator may request that the Committee issue subpoenas and subpoenas *duces tecum*, and the cochair shall issue subpoenas for witnesses requested by the accused legislator to be heard at the hearing as approved by the Committee in accordance with Rule C.10. The accused legislator shall notify the Committee of all requests for subpoenas at least ten days prior to the hearing, unless waived by the Committee.
10. **Witnesses to take oath and all written statements to be sworn.** -- The cochair shall notify the accused legislator of all witnesses who may appear at a hearing inquiring into alleged unethical activity at least twenty days prior to the hearing, unless waived by the Committee. A copy of any affidavit of a witness setting forth matters on which the witness may testify shall be made available to the accused legislator at that time. If no affidavit of the witness exists, the Committee shall make available to the accused legislator a summary of the matters on which the witness may testify. Any information which would tend to clear or lessen from blame or fault the charges against the accused legislator shall be made available to the accused legislator or the legislator's private legal counsel as soon as is reasonable. The accused legislator shall notify the Committee cochair of the names of

the witnesses the accused legislator desires to have appear at a hearing inquiring into alleged unethical activity at least ten days prior to the hearing, unless waived by the Committee. A copy of any affidavit of a witness setting forth matters on which the witness may testify shall be made available to the Committee at that time. If no affidavit of the witness exists, the accused legislator shall make available to the Committee a summary of the matters on which the witness may testify. The Committee shall determine by majority vote of the Committee members present and voting which witnesses shall be heard. All witnesses shall be sworn before testifying. All written statements to the Committee shall be by sworn affidavit before being considered by the Committee.

11. **Counsel for witnesses permitted.** -- Any witness testifying before the Committee may have private legal counsel present. Participation by witness's counsel at a hearing and while the witness is testifying is limited to advising the witness of the witness's legal rights. Counsel's failure to abide by these procedures is grounds for counsel's exclusion from the hearing.
12. **Propounding of questions.—**
 - (a) Committee members and staff, if requested by the cochair or Committee, may question any witness. The presiding cochair shall recognize Committee members who wish to question a witness for a series of questions. The Committee member may ask the witness all questions without interruption so long as permitted by the presiding cochair. Upon completion of a series of questions by a Committee member, the presiding cochair may recognize another Committee member for questions in the order recognized. After all Committee members desiring to ask questions have been given an opportunity to ask a series of questions, the presiding cochair may give members additional opportunities to ask a series of questions in the same order.
 - (b) All questions to be asked of any witness shall be directed to the witness after receiving permission from the presiding cochair, but the presiding cochair may permit a series of questions to be asked without requiring specific consent for each individual question.
 - (c) Objections to any questions shall be made by a member of the Committee, the accused legislator, or the accused legislator's private legal counsel, to the presiding cochair before the question is answered. If an objection is raised, the presiding cochair shall determine whether the question is relevant and has probative value as to a substantive issue, and is not a waste of time or redundant, and whether the witness will be allowed to answer. The ruling of the presiding cochair, without objection from a member of the Committee, shall stand.

- (d) If the presiding cochair's ruling is objected to by a member of the Committee, the motion shall be, "That the ruling of the cochair be overruled." The motion shall be adopted by majority vote of the members of the Committee present and voting.
- 13. **Hearings and meetings of committee.** —
 - (a) The Committee's meetings on a complaint shall be held in closed session, except that hearings shall be held in open session. The Committee's hearings on a complaint shall be held in open session, except for matters that could otherwise be considered in closed session under G.S. 143-318.11, matters involving minors, or matters involving a personnel record. The deliberations of the Committee on a complaint may be held in closed session. (G.S. 120-103.1(i)(5)).
 - (b) All proceedings of the hearing shall be transcribed except for the Committee's deliberations on the complaint.
 - (c) The accused legislator and the legislator's private legal counsel shall be permitted to attend any closed session held for the purpose of the presentation of evidence or taking testimony from a witness testifying as to matters related to allegations against the accused member.
 - (d) Private legal counsel of any witness shall be permitted in a closed session during the period of the witness's testimony. The parents or legal guardian of a minor witness shall be permitted in a closed session during the period of the minor witness's testimony.
- 14. **Division of issues.** -- After hearing evidence on the substantive issues of the alleged unethical conduct of the accused legislator the Committee shall address the following issues:
 - (a) Whether, by clear and convincing evidence, one or more of the charges against the accused legislator is true.
 - (b) If so, what action will be taken by the Committee.
- 15. **Disposition of cases.** —
 - (a) When the Committee has concluded its inquiries into alleged violations, the Committee, by at least seven affirmative votes, shall do one of the following:
 - (1) If the Committee finds that the alleged violation is not established by clear and convincing evidence, the Committee shall dismiss the complaint. If the Committee finds by a preponderance of the evidence that the accused legislator should be exonerated of the charges, the cochairs shall transmit this finding in writing to the accused legislator and the complainant.
 - (2) If the Committee finds that the alleged violation is established by clear and convincing evidence, the Committee shall do one of the following:
 - a. Issue a public or private admonishment to the accused legislator.

- b. Refer the matter to the Attorney General for investigation and referral to the district attorney for possible prosecution or the appropriate house for appropriate action, or both, if the Committee finds substantial evidence of a violation of a criminal statute.
 - c. Refer the matter to the appropriate house for appropriate action, which may include censure and expulsion, if the Committee finds substantial evidence of a violation of this Article or other unethical activities.
- (b) If the Committee issues an admonishment as provided for in this rule, the legislator affected may, upon written request to the Committee, have the matter referred to the appropriate house for its own review. (G.S. 20-103.1(j)(3))
- 16. **Committee votes.** – All votes of the Committee taken under Rules A.2., C.2.(d), C.3., C.5., and C.15., shall be by roll call and included in the minutes.
- 17. **Effect of dismissal or private admonishment.** – In the case of a dismissal or private admonishment, the Committee shall retain its records or findings in confidence, unless the legislator under inquiry requests in writing that the records and findings be made public. If the Committee later finds that a legislator's subsequent unethical activities were similar to and the subject of an earlier private admonishment, then the Committee may make public the earlier admonishment and the records and findings related to it.
- 18. **Confidentiality.** – The complaint, response, records, and findings of the Committee shall be confidential and are not public records, except in the following situations:
 - (a) Once a hearing on a complaint commences, the complaint, response, Committee's report to the house, and all other documents offered at the hearing in conjunction with the complaint, not otherwise privileged or confidential under law, shall become public records.
 - (b) When the legislator under inquiry requests in writing that the complaint, response, and findings be made public.
 - (c) At such time as the Committee recommends sanctions to the house of which the legislator is a member, the complaint, response, and Committee's report to the house shall become public records.
- 19. **Role of Committee members and staff.** –
 - (a) The duties of staff assigned to the Committee shall be directed by the cochair.
 - (b) Legislative staff may be authorized to do the following:
 - (1) Research any legal issues arising from the investigation.
 - (2) Help Committee members prepare for meetings.
 - (3) Consult with the Attorney General's staff, investigator, or outside counsel on matters arising from the investigation as necessary.

- (4) Carry out other duties as directed by the cochairs.
- (c) Other staff:
 - (1) All investigations, at the cochairs' discretion, shall be performed by an investigator hired in accordance with the procedures set forth in Rule C.4.
 - (2) Outside counsel hired in accordance with the procedures set forth in Rule C.4. of these procedures shall be authorized to oversee the investigation in preparation for hearings and shall prepare and present evidence to the Committee, including the initial laying out of the evidence through the questioning of witnesses.

20. Annual report on complaint statistics. –

- (a) On or before December 31st of each year, the Committee shall publish annual statistics through November 30th of that year of complaints filed with or considered by the Committee, including the number of complaints filed, the number of complaints dismissed, the number of complaints resulting in admonishment, the number of complaints referred to the appropriate house for appropriate action, the number of complaints referred for criminal prosecution, and the number and age of complaints pending action by the Committee. The Committee is not required to vote to approve the annual statistics, and the cochairs may publish the annual statistics on behalf of the Committee.
- (b) The annual statistics shall be published by the cochairs in report form by filing the report with the Legislative Library, posting on the General Assembly's webpage, and by releasing the report to the press.